

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Applicant(s):	West, et al.	Customer No.:	023640
Serial No.:	09/935,168	Confirmation No.:	9212
Appeal No.:	2008-2053	Group Art Unit:	1644
Filed:	August 21, 2001	Attorney Docket:	002376.1017
Examiner:	Huynh, Phuong N.		
For:	Tissue Engineering Scaffolds Promoting Matrix Protein Production		

Chief Clerk of the Board
Board of Patent Appeals and Interferences
P.O. Box 1450
Alexandria, Virginia 22313-1450

**REQUEST FOR
ADDITIONAL TIME AT ORAL HEARING**

Appellants have appealed to this Board from the decision of the Examiner, contained in a Final Office Action mailed April 20, 2006 ("Final Office Action"), finally rejecting Claims 1-5, 7-9, and 24-35. Appellants filed a Notice of Appeal on July 20, 2006 with the statutory fee of \$250.00 under 37 C.F.R. § 41.20(b)(2), filed an Appeal Brief on December 19, 2006, and filed an Amended Appeal Brief on January 31, 2007 ("Appeal Brief"). The Examiner responded in an Examiner's Answer mailed June 20, 2007 and an amended Examiner's Answer mailed August 10, 2007 ("Examiner's Answer"). Appellants have submitted a Request for Oral Hearing (PTO Form SB/32) herewith, along with the statutory fee of \$515.00 under 37 C.F.R. § 41.20(b)(3).

Appellants are aware that, in the absence of any request otherwise, 20 minutes are usually allocated for their oral argument. For the following reasons, Appellants respectfully submit that 20 minutes is not a sufficient amount of time:

1. An extensive amount of subject matter is involved in this appeal. Appellants' Appeal Brief is a 54-page analysis, and the Examiner's Answer is a 72-page analysis.

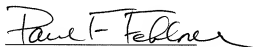
2. An extensive number of issues are being considered in this appeal. The Examiner has issued ten rejections, nine of which are currently sustained. These rejections include enablement and written descriptions under 35 U.S.C. § 112, first paragraph, as well as seven rejections under 35 U.S.C. § 103(a). This is in part the cause of the length of the briefs filed in this appeal.

3. An extensive number of references are utilized by the Examiner in the rejections under 35 U.S.C. § 103(a). Six references have been utilized, including 2 U.S. Patents, 2 PCT Patents, and 2 non-patent literature sources. This is in part the cause of the length of the briefs filed in this appeal.

For these reasons, Appellants respectfully submit that 20 minutes would not be a sufficient amount of time to present to their case to this Board. Accordingly, Appellants respectfully request 40 minutes to present their case to this Board.

Appellants thank the Board in advance for their consideration of this request. If the Board has any questions concerning this request, the Board is welcome to contact the attorney of record by telephone, facsimile, or electronic mail.

Respectfully submitted,



Paul F. Fehlner
Patent Office Reg. No. 35,135

Attorney for Applicants
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112
(212) 408-2500
paul.fehlner@bakerbotts.com

Date: April 22, 2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Applicant(s):	West, et al.	Customer No.:	023640
Serial No.:	09/935,168	Confirmation No.:	9212
Appeal No.:	2008-2053	Group Art Unit:	1644
Filed:	August 21, 2001	Attorney Docket:	002376.1017
Examiner:	Huynh, Phuong N.		
For:	Tissue Engineering Scaffolds Promoting Matrix Protein Production		

Chief Clerk of the Board
Board of Patent Appeals and Interferences
P.O. Box 1450
Alexandria, Virginia 22313-1450

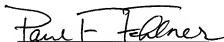
REQUEST TO RESCHEDULE ORAL HEARING

Appellants request that the Board reschedule the oral hearing of Appeal No. 2008-2053 for the above captioned case until after July 1, 2008.

A Notice of Oral Hearing was mailed to Appellant on April 4, 2008 setting the oral hearing for May 20, 2008. The time set in the Notice of Hearing conflicts with prior commitments of Appellant's counsel. Specifically, Appellant's counsel is engaged in other litigation in the U.S. District Court for the District of Delaware (CA No. 06-438-GMS) that conflicts with the May 20, 2008 date. In this case, a pre-trial hearing is scheduled for May 5, 2008; and trial is to commence on June 2, 2008. The press of this litigation precludes Appellant's

counsel from properly preparing for the Oral Hearing as-scheduled.¹ Accordingly, Appellants request that the Board reschedule the oral hearing to a date after July 1, 2008.

Respectfully submitted,



Paul F. Fehlner
Patent Office Reg. No. 35,135

Attorney for Applicants
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112
(212) 408-2500
paul.fehlner@bakerbotts.com

Date: April 22, 2008

¹ Further justification for rescheduling can be found in Applicants concurrently filed Request For Additional Time At Oral Hearing, which illustrates the complexity of the Appeal and highlights the need for Applicant's rescheduling request.